

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS (PHENTERMINE/ FENFLURAMINE/DEXFENFLURAMINE) PRODUCTS LIABILITY LITIGATION	:	MDL NO. 1203
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	:	
	:	
THIS DOCUMENT RELATES TO:	:	
	:	
SHEILA BROWN, et al.	:	
	:	
v.	:	
	:	
AMERICAN HOME PRODUCTS CORPORATION	:	
	:	
	:	NO. 99-20593

PRETRIAL ORDER NO. 9490

AND NOW, this 30th day of June, 2017, upon
consideration of the Petition for an Award of Attorneys' Fees
and Expense Reimbursements Relating to Common Benefit Work
Performed from January 1, 2016 through December 31, 2016, and
for the reasons set forth in the accompanying Memorandum, it is
hereby ORDERED that:

1. As used herein, "Levin" means Levin Sedran
& Berman.
2. The court hereby approves the reimbursement of
\$18,519.58 in litigation expenses incurred by Levin, including
amounts previously approved by the court or advanced pursuant to
order of the court, to be paid, reimbursed and/or allocated as
follows:

- a. Prior expense reimbursements in the amount of \$7,274.30 shall be attributed to the MDL 1203 Fee and Cost Account as having been properly and finally allocated to that Account for payment;
- b. Within thirty days from the date of this Order, the AHP Settlement Trust ("Trust") shall transfer the amount of \$7,274.31 to the Escrow Agent for the MDL 1203 Fee and Cost Account to reimburse that account for expense reimbursements previously paid from that Account that should ultimately be paid by the Settlement Fund under Sections III.B.2, III.C.3 and VIII.E.1 of the Settlement Agreement;
- c. Within thirty days from the date of this Order, the Trust shall pay from the Settlement Fund the amount of \$1,985.48 to Levin to reimburse Levin for previously unreimbursed litigation expenses; and
- d. Within thirty days from the date of this order, the Escrow Agent for the MDL 1203 Fee and Cost Account shall pay from the MDL 1203 Fee and Cost Account the amount of \$1,985.49 to Levin to reimburse Levin for previously unreimbursed litigation expenses.

2. In addition to the amounts previously awarded in Pretrial Order Nos. 7763A, 8516, 8646, 8869, 9102, 9294, 9398, and 9465 the court hereby awards Levin an attorneys' fee in the aggregate amount of \$539,575 for class action work performed by Levin during the period from January 1, 2016 to December 31, 2016. This fee award is to be paid by the Trust in accordance with the terms of the "Stipulation between Wyeth and Class Counsel with Regard to the Funding of Future Awards of Class-related fees," approved by this court in PTO No. 9297.

3. No earlier than twenty days after the date of this Order and as soon thereafter as is commercially reasonable the Trust shall disburse the payments set forth in paragraph 2 of this Order. The Trust shall make such payments by check and shall deliver such checks to the payees by overnight courier in a manner that generates a written acknowledgment of receipt by the payees.

4. In addition to the amounts previously awarded in Pretrial Order Nos. 7763A, 8516, 8646, 8869, 9102, 9294, 9398, and 9465 the court hereby awards Levin an attorneys' fee in the aggregate amount of \$61,825 to be paid from funds on deposit in the MDL 1203 Fee and Cost Account to compensate Levin for services of benefit to the plaintiffs in MDL 1203 and the coordinated state-court litigation performed by Levin during the period from January 1, 2016 through December 31, 2016.

5. No earlier than twenty days from the date of this Order and as soon thereafter as is reasonably practicable, Heather C. Giordanella, Esquire, as Escrow Agent for the MDL 1203 Fee and Cost Account, shall disburse from said Account the payment set forth in Paragraph 4 of this Order. Ms. Giordanella shall make such payment by check and shall deliver such check to the payee by overnight courier in a manner that generates a written acknowledgment of receipt by the payee. In order to make this payment Ms. Giordanella may transfer funds

from the MDL 1203 Fee and Cost Account to a disbursement account
at an appropriate financial institution.

BY THE COURT:

Lawrence Bartlett
J.